

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED
MAR 26 2004
HARFORD COUNTY COUNCIL

Case No. 5417
Date Filed 3-24-04
Hearing Date _____
Receipt _____
Fee \$400-

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

CASE 5417 MAP 57 TYPE Special Exception

- ☐ Administrative Decision/Interpretation
☒ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

ELECTION DISTRICT 1 LOCATION 1370 Brass Mill Road, Belcamp, Md. 21017

BY Riverside Corporate Center II LLC, 5720 Executive Drive, Baltimore, Md. 21228

Catholic Charities Inc., 320 Cathedral Street, Baltimore, Md. 21201

Appealed because a special exception pursuant to Section 267-53C(7) of the Harford County Code for a school with 60 students with special education needs in Grades K through 8 in a CI District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Riverside Corporate Center II LLC Phone Number call attorney

Address 5720 Executive Drive Baltimore MD 21228-1757
Street Number Street City State Zip Code

Co-Applicant Catholic Charities, Inc. Phone Number call attorney

Address 320 Cathedral Street Baltimore MD 21201
Street Number Street City State Zip Code

Contract Purchaser Catholic Charities, Inc. Phone Number call attorney

Address 320 Cathedral Street Baltimore MD 21201
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500

Address 11 S. Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Land Description

Address and Location of Property Lt 1 6.44 AC 1370 Brass Mill Road

Riverside Bus Pk P98/92

Subdivision _____

Lot Number 1

Acreage/Lot Size 6.44

Election District 1st

Zoning CI

Tax Map No. 57

Grid No. 4F

Parcel 319

Water/Sewer: Private _____ Public X

List ALL structures on property and current use: vacant

Estimated time required to present case: 45 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? _____

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

see attached

Justification

see attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

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205892

ATTACHMENT TO APPLICATION OF RIVERSIDE CORPORATE CENTER II, LLC
AND CATHOLIC CHARITIES, INC.

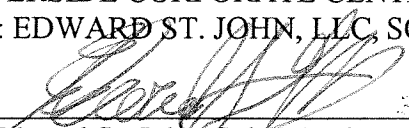
REQUEST: A special exception pursuant to Section 267-53(C)(7) of the Harford County Zoning Code ("Code") to conduct a school containing a maximum of 60 students on the subject property zoned CI, Commercial Industrial, as shown on the attached site plan.

JUSTIFICATION: The proposed use is compatible with uses permitted as of right in the CI District and will cause no adverse impact. Instruction for grades K through 8 will be offered exclusively to students with special education needs. There is a need for such a school in Harford County. Currently, students with such special education needs who reside in Harford County must attend schools located outside Harford County.

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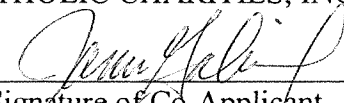
ATTACHMENT TO APPLICATION OF RIVERSIDE CORPORATE CENTER II, LLC
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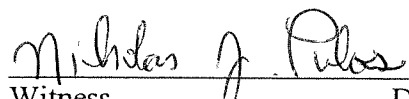
RIVERSIDE CORPORATE CENTER II, LLC
BY: EDWARD ST. JOHN, LLC, SOLE MEMBER

By:  3/19/04
Edward St. John, Sole Member Date
Signature of Applicant/Owner

 3/19/04
Witness Date

CATHOLIC CHARITIES, INC.

By:  3/23/04
Signature of Co-Applicant Date

 3/23/04
Witness Date

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ATTACHMENT TO APPLICATION OF RIVERSIDE CORPORATE CENTER II, LLC
AND CATHOLIC CHARITIES, INC.

LIST OF PERSONS HAVING LEGAL OR EQUITABLE INTEREST IN THE SUBJECT
PROPERTY

RIVERSIDE CORPORATE CENTER II LLC

SOLE MEMBER:

EDWARD ST. JOHN, LLC

SOLE MEMBER:

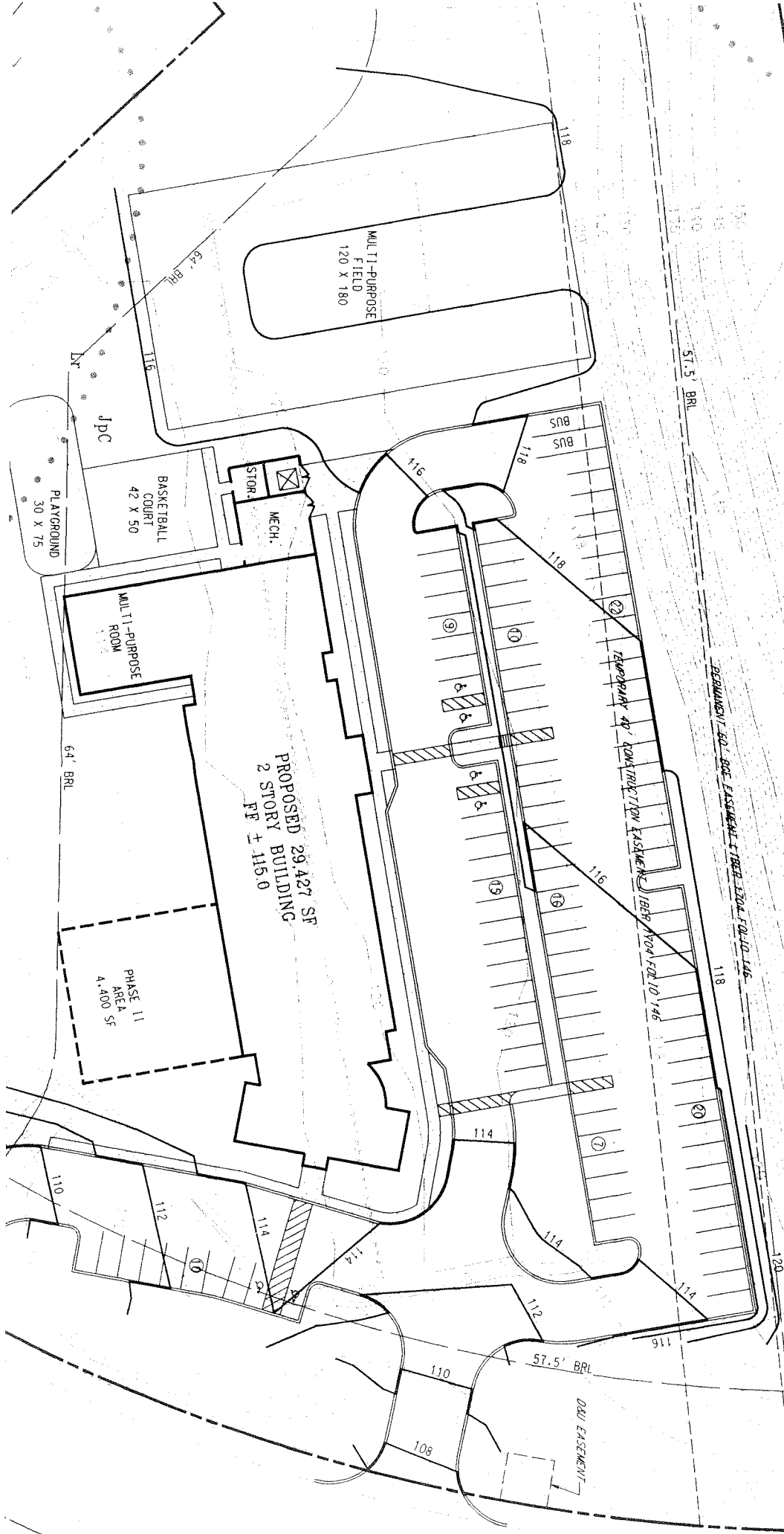
EDWARD ST. JOHN
5720 EXECUTIVE DRIVE
BALTIMORE, MARYLAND 21228

CONTRACT PURCHASER:

CHATHOLIC CHARITIES, INC. (A NON STOCK CORPORATION?)

TRUSTEES/MORTGAGEES: N/A

PHILADELPHIA ROAD (MD 7)



JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



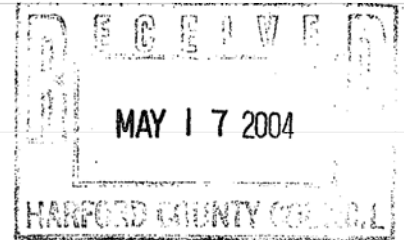
J. STEVEN KALL-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 17, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5417

APPLICANT/OWNER: Riverside Corporate Center II LLC
5720 Executive Drive, Baltimore, Maryland 21228-1757

Co-APPLICANT: Catholic Charities, Inc.
320 Cathedral Street, Baltimore, Maryland 21201

CONTRACT PURCHASER: Catholic Charities, Inc.
320 Cathedral Street, Baltimore, Maryland 21201

REPRESENTATIVE: John J. Gessner
11 S. Main Street, Bel Air, Maryland 21014

LOCATION: 1370 Brass Mill Road/Riverside Business Park
Tax Map: 57 / Grid: 4F / Parcel: 319 / Lot: 1
Election District: First (1)

ACREAGE: 6.44 acres

ZONING: CI/Commercial Industrial

DATE FILED: March 24, 2004

HEARING DATE: May 26, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

See Attachment 1.

Preserving our values, protecting our future

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Board of Appeals Case Number 5417

Riverside Corporate Center II LLC &

Catholic Charities, Inc.

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CODE REQUIREMENTS:

The Applicants are requesting a special exception pursuant to Section 267-53C(7) of the Harford County Code to allow a school with 60 students with special education needs in grades K through 8 in a CI/Commercial Industrial District.

Section 267-53C(7) of the Harford County Code reads:

C. *Institutional uses [Amended by Bill No. 97-54]*

(7) *[Amended by Bill Nos. 90-30; 97-12] Schools, colleges and universities. These uses may be granted in any district, except the LI and GI Districts, provided that:*

(b) *Kindergartens must have:*

[1] *A parcel area of at least twenty thousand square feet per fifteen students or fraction thereof.*

[2] *A parcel frontage of at least one hundred feet.*

[3] *A front yard depth of at least forty feet, a side yard depth equal to at least the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least forty feet.*

(c) *All other educational institutions must comply with the following:*

[2] *Where the maximum attendance at any one time exceeds forty students such institution must have:*

[a] *A parcel area of at least three acres, plus seven hundred square feet for each student in excess of sixty.*

[b] *A parcel frontage of at least two hundred feet.*

[c] *A front yard depth of at least fifty feet, a side yard depth equal to at least two times the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least fifty feet.*

(d) *School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately screened.*

(e) *A buffer yard ten feet wide shall be provided along the boundary with an adjacent residential lot.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

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LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located on the southwest side of the intersection of Philadelphia Road (MD Route 7) and Brass Mill Road in the Riverside Business Park. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

The property is located within the Development Envelope. Land use designations include Low, Medium and High Intensity and Industrial/Employment. There is a community center located to the west of the property. The Natural Features Map reflects parks, Chesapeake Bay Critical Area, resource conservation areas, habitats of local significance, and tidal wetlands. The subject property is designated as Industrial/Employment, which is defined by the 1996 Master Plan as:

Industrial/Employment – Areas of concentrated manufacturing, distribution, technical, research, office, and other activities generally located along major transportation corridors.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The Riverside development contains a mix of residential uses, commercial uses including a shopping center, industrial uses, institutional uses (schools, nursing home and a church) and active and passive recreation. Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The subject property (Lot 1) is located on the south side of Philadelphia Road (MD Route 7) and the west side of Brass Mill Road in the Riverside Business Park. The property is approximately 6.44 acres in size with topography that ranges from level to steep. The property rises gently up from Brass Mill Road and sits much lower than MD Route 7. There are small areas of trees along the southern property line and to the rear corner of the lot. There is a commercial/industrial use located across Brass Mill Road from the subject site. The Applicants are planning to utilize the second floor of the building for health services, which is a permitted use in this zoning district. Enclosed with the report is a topographic map of the area, site photographs and an enlargement of the aerial photograph (Attachments 8, 9 and 10).

Zoning:

The zoning classifications in this area are consistent with the intent of the 1996 Master Plan. Residential zoning ranges from R1 to R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood, B2/Community and B3/General Business Districts. There are areas

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zoned CI/Commercial Industrial and GI/General Industrial Districts. The subject property is zoned CI/Commercial Industrial. Enclosed with the report is a copy of the zoning map (Attachment 11).

SUMMARY:

The Applicants are requesting a special exception pursuant to Section 267-53C(7) of the Harford County Code to allow a school with 60 students with special education needs in grades K through 8 in a CI/Commercial Industrial District.

Section 267-53C(7):

- (7) [Amended by Bill Nos.90-30; 97-12] Schools, colleges and universities. These uses may be granted in any district, except the LI and GI Districts, provided that:

The subject property is zoned CI/Commercial Industrial District.

(b) *Kindergartens must have:*

- [1] *A parcel area of at least twenty thousand square feet per fifteen students or fraction thereof.*

The subject property is 6.44 acres in size. The Applicants are proposing a total of 60 students; therefore the subject site exceeds the required minimum parcel area of 1.84 acres.

- [2] *A parcel frontage of at least one hundred feet.*

The subject property has frontage on two roads. The lot has approximately 500+ feet of frontage on Brass Mill Road and approximately 900+ feet on Philadelphia Road (MD Route 7). Access to the site will be from Brass Mill Road.

- [3] *A front yard depth of at least forty feet, a side yard depth equal to at least the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least forty feet.*

According to the site plan, the proposed building will have a height of 45-feet. The building will be approximately 200-feet from MD Route 7, 110-feet from Brass Mill Road, 64-feet from the rear property line and 160-feet from the side lot line. Therefore the site plan meets these requirements.

(c) *All other educational institutions must comply with the following:*

- [2] *Where the maximum attendance at any one time exceeds forty students such institution must have:*

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The Applicants are proposing 60 students.

[a] A parcel area of at least three acres, plus seven hundred square feet for each student in excess of sixty.

The subject property is 6.44 acres.

[b] A parcel frontage of at least two hundred feet.

The subject property has frontage on two roads. The lot has approximately 500+ feet of frontage on Brass Mill Road and approximately 900+ feet on Philadelphia Road (MD Route 7). Access to the site will be from Brass Mill Road.

[c] A front yard depth of at least fifty feet, a side yard depth equal to at least two times the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least fifty feet.

According to the site plan, the proposed building will have a height of 45-feet. The building will be approximately 200-feet from MD Route 7, 110-feet from Brass Mill Road, 64-feet from the rear property line and 160-feet from the side lot line. Therefore the site plan meets these requirements.

[d] School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately screened.

The Applicants are not proposing to store buses on this site.

[e] A buffer yard ten feet wide shall be provided along the boundary with an adjacent residential lot.

There are no adjacent residential lots.

Section 267-9I:

(1) The number of persons living or working in the immediate area.

The area contains a mix of residential, commercial, industrial and institutional uses. The proposed school will not have an adverse fiscal impact on people living or working in the area.

(2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but

only if construction of such roads will commence within the reasonably foreseeable future.

There are several major roads in the vicinity of the subject property, including Creswell Road (MD Route 543), MD Route 40, Philadelphia Road (MD Route 7) and Interstate 95. The property has approximately 500+ feet of frontage on Brass Mill Road and approximately 900+ feet of frontage on Philadelphia Road (MD Route 7). The proposed traffic generated by the school should not adversely impact the roads in the immediate area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The proposed use is permitted in the CI/Commercial Industrial District as a special exception with Board Approval. The use should not have an adverse fiscal impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should not have an adverse impact regarding the above issue as long as adequate landscaping and screening are provided.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Riverside, Abingdon and Aberdeen volunteer fire departments will generally provide fire and emergency protection to the site. Public water and sewer will serve the property. The Applicants are required to arrange for trash collection with a private hauler.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposal is consistent with accepted planning principles. There are specific requirements for the proposed school in Section 267-53C(7) of the Harford County Code. The Applicants can meet these standards.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal will not have an adverse impact on the uses listed in this section.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

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Catholic Charities, Inc.

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The proposal is consistent with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

This project will not impact any environmentally sensitive features.

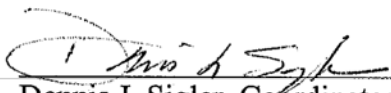
- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall submit a detailed site plan to be reviewed and approved through the Development Advisory Committee. The site plan shall substantially conform to the site plan submitted to the Hearing Examiner (Attachment 4).
2. The Applicants shall obtain all necessary permits and inspections for the construction of the building.
3. The Applicants shall submit a landscaping and lighting plan to the Department of Planning and Zoning with the site plan.
4. The number of students shall be limited to 60.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka